

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 18, 1990

ALL COUNTY LETTER NO. 90-04

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: REDETERMINATION OF DEPRIVATION - FEDERAL AID TO  
FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE  
PROGRAM

The purpose of this letter is to notify County Welfare Departments (CWD) of the emergency regulations regarding the redetermination of continuing deprivation. Effective January 1, 1990, an evaluation of continuing deprivation shall be made at the time of the periodic redetermination of Aid To Families With Dependent Children-Foster Care (AFDC-FC) eligibility as required by Eligibility and Assistance Standards (EAS) 45-201.7.

DEPRIVATION

The attached regulations require that deprivation of parental support or care in the original home of removal must be reevaluated with other eligibility factors at the six month redetermination of eligibility. This reevaluation must be documented in the eligibility case file for federal AFDC-FC eligibility to continue. The deprivation factors listed in EAS 45-202.11 are death, physical or mental incapacity, unemployment (principal earner), or absence of the child's parent(s).

If the original home of removal was the home of the parent(s), that home must be reviewed at the time of redetermination to establish continuing deprivation of parental support or care. If the original home of removal was the home of a relative rather than the parent's home, the status of the parent(s) in the relative's home must be reviewed to establish continued deprivation of parental support or care.

For example, if either one or both parents are not in the relative's home at the time of redetermination, then the child is deprived, based on continued absence of the parent(s) from that home.

In either case, if both parents are in the original home of removal, incapacity of either parent or unemployment of the principal earner must be established for continued deprivation.

The loss of continued deprivation does not affect the initial deprivation status nor the AFDC-Family Group/Unemployed (FG/U) linkage determination made pursuant to EAS 45-202.3. Therefore, if at a later date deprivation is once again established (e.g., the principal earner becomes unemployed or a parent becomes absent from the home) in the original home of removal and the child is otherwise eligible, federal AFDC-FC payments may be resumed.

If a child is found to no longer be deprived of parental support or care in the month of the redetermination, eligibility to federal AFDC-FC payments ceases and federal financial participation (FFP) may not be claimed. An intraprogram status change (IPSC) shall be effected to state AFDC-FC or AFDC-FG as appropriate pursuant to EAS 40-183.1. In addition, if the CWD determines that deprivation did not exist in a month where federal AFDC-FC was claimed prior to the redetermination month, a claiming adjustment must be made. However, if the CWD determines that deprivation does exist in the month of the redetermination but did not exist in a month where federal AFDC-FC was claimed prior to the redetermination month, the case will remain eligible for federal AFDC-FC but a claiming adjustment must be made for the month(s) in which deprivation did not exist. (REFER TO CLAIMING INSTRUCTIONS CONTAINED IN THIS LETTER.)

#### DETERMINATION

Individual CWD's shall initiate a process that will gather the required information and ensure that adequate documentation is available in the AFDC-FC case to support the deprivation determination. Adequate documentation means that the case record indicates a parent(s) is absent from the original home of removal, the whereabouts of the parent(s) is unknown, the parent(s) is not cooperating in providing information to the CWD, and/or any employment information. This type of documentation will support the deprivation determination.

It is the CWD's responsibility to make a "good faith" effort to acquire the information necessary to make a deprivation determination. A description of the effort made to contact the parent(s) in the home of removal and the outcome of such action may be used to support the deprivation determination.

IPSC's shall be effected when necessary pursuant to EAS 44-317.62. We expect some program changes between federal AFDC-FC and state AFDC-FC. Typically, when the child is residing with a relative, the program change will occur between federal AFDC-FC and AFDC-FG. Although services will continue to be provided for a child placed with a relative who loses AFDC-FC eligibility, the grant level will change depending upon the size of the assistance unit. Pursuant to EAS 40-109.3, the relative may request a redetermination of AFDC-FC eligibility at any time. If deprivation is found to again exist and the child is otherwise eligible, an IPSC shall be effected to federal AFDC-FC pursuant to EAS 44-317.623.

#### CLAIMING INSTRUCTIONS

Beginning with the effective date of the child's ineligibility to federal AFDC-FC due to the loss of deprivation, the CWD shall adjust their federal AFDC-FC claim in accordance with the following instructions.

All IPSC's from federal AFDC-FC to either state AFDC-FC or federal AFDC-FG must occur on a prospective basis. Retroactive IPSC's are not permitted from federal AFDC-FC to state AFDC-FC or federal AFDC-FG. On a prospective basis, those children found eligible for state AFDC-FC must have their aid code changed from 42 to 40; those children found eligible for federal AFDC-FG must have their aid code changed from 42 to 30.

If the CWD discovers during the redetermination process that a case was ineligible for federal AFDC-FC on a retroactive (months prior to the IPSC) basis, then an adjustment of FFP is necessary. An aid code change is not necessary in order to accomplish the adjustment of FFP. The amounts for those cases which have been found ineligible for federal AFDC-FC retroactively must be identified in box 13A of the CA 800 FC (FED), Summary Report of Assistance Expenditures. This adjustment results in a decrease to the federal share and an increase to the state and county share. In addition, a separate listing of these cases must accompany the payroll in order to verify the amounts adjusted in box 13A on the CA 800. The aid code or payment amount that the child was eligible for in the retroactive months is not a factor, therefore, overpayments or underpayments will not exist. The purpose of the claiming adjustment is remove FFP in months where deprivation did not exist.

Example #1: If the redetermination month is June and deprivation ceased on May 10th, the June payment should reflect the new aid code (40 or 30) as a result of the IPSC and a prorated adjustment would be made to remove FFP from the date deprivation ceased in May.

Example #2: Same situation as in example #1 above, except the IPSC was not affected in June due to the 10-day notice requirement or other circumstances. In this case, the IPSC shall be effected the following month (July), using the new aid code (40 or 30) and May and June will be adjusted as retroactive months.

Claiming for FFP when a case is determined to be retroactively eligible for federal AFDC-FC due to regained deprivation shall be accomplished using the standard procedure.

#### CASE EXAMPLES

A series of questions and answers have been developed to assist the CWD's in implementing these regulations.

QUESTION #1: When continued deprivation cannot be substantiated after initial eligibility has been established because the whereabouts of the parent from whom the child was removed cannot be determined, does the child continue to be deprived based on absence?

ANSWER: Yes. The inability to determine the whereabouts of the parent from whose home the child was removed does not preclude continuing eligibility for federal AFDC-FC payments. If documentation in the case record verifies the efforts made to locate the parent (e.g., returned mail, home call made to last known address), then deprivation may be established based on continued absence from the home.

QUESTION #2: If the child was not deprived in the month of petition but becomes deprived at a later time, can the child be eligible for federal AFDC-FC?

ANSWER: No. The child must be deprived of parental support or care in the month of petition. The fact that a child becomes deprived at a later date does not affect the child's circumstances in the month of petition.

QUESTION #3: Does the application of EAS 41-405.2 establish continued deprivation?

ANSWER: No. Deprivation must exist at the time of the redetermination. The purpose of this section is to provide continued assistance payments in specific circumstances to families in need once deprivation ceases.

QUESTION #4: Do the requirements for establishing deprivation due to incapacity and unemployment in AFDC-FG/U apply?

ANSWER: Yes. EAS 41-430 and 41-440 describe how deprivation is determined and what documentation is required to support either incapacity or unemployment of the principal earner.

QUESTION #5: Must the nonlinking eligibility factors; age, property, residence, financial status and institutional status (EAS 40-107.32) in the original home of removal be explored in addition to deprivation at redetermination?

ANSWER: No. All that is required is the determination of continued deprivation.

For example, the presence of a step-parent in the original home of removal whose earnings would make the household ineligible for AFDC is not a factor in determining continued deprivation for the child in placement.

QUESTION #6: Can continued deprivation be established under unemployment if both parents are in the original home of removal and one parent is employed full time?

ANSWER: Yes. If at the time of redetermination the person who is so employed is not determined to be the principal earner pursuant to EAS 41-440.411, continued deprivation based on unemployment can be supported.

QUESTION #7: If the child received federal AFDC-FC in a month where deprivation did not exist but would have been eligible to AFDC-FG at a lower amount is the difference considered an overpayment?

ANSWER: No. Pursuant to the claiming instructions contained in this letter, retroactive redetermination of the correct aid code or payment amount is not necessary. Therefore, overpayments or underpayments will not occur. However, FFP cannot be claimed. Participation in the aid payment will be limited to state and county funds only.

QUESTION #8: Does eligibility to federal AFDC-FC cease on the date deprivation no longer exists?

ANSWER: Yes. If deprivation was determined to no longer exist on June 12, FFP cannot be claimed for the period of June 12 through June 30. If the IPSC can be effected for the June (federal) AFDC-FC payment, the June 1 through 11 shall be made from federal AFDC-FC. Payment for the period of June 12 through June 30 would be a prorated amount from either state AFDC-FC or AFDC-FG.


QUESTION #9: When a parent does not respond to written correspondence and/or other requests to cooperate with the CWD, can continuing deprivation be established based upon the parents failure to cooperate with the CWD?

ANSWER: Yes. Pursuant to EAS 45-202.123, continuing deprivation may be established based upon the parents failure to cooperate if the CWD has made a good faith effort to obtain the needed information. The eligibility case file must document the nature of the attempts and the outcome.

#### TRAINING

Due to the complexities of this issue, the Foster Care Program Bureau will provide training for Counties who request assistance. Requests for training can be made by calling Nancy Remley, Unit Manager, Foster Care Program Bureau at (916) 445-0813.

If you have any questions regarding the claiming instructions, please contact your fiscal consultant at (916) 445-7046. Questions concerning eligibility for AFDC-FG/U should be directed to AFDC/FS Policy Implementation Bureau at (916) 322-5330. Questions concerning eligibility for AFDC-FC should be directed to your Foster Care Program Bureau consultant at (916) 445-0813.



ROBERT A. HOREL  
Deputy Director  
Welfare Program Division

cc: CWDA

Attachment

Repeal Section 40-181.211 and renumber Sections 40-181.212 through .216 to .211 through .215, respectively to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181  
(Continued)

.2 Periodic Determination of Eligibility (Continued)

.21 (Continued)

~~.211~~ For ~~AFDC-FC~~ cases, a redetermination of all of the recipient's circumstances which are subject to change shall be completed at least once every six months. At the time of the six month redetermination, the parent or legal guardian shall complete the EA 2 or, at county option, the FC 2. If the parent or legal guardian is unavailable or not cooperating, the placement worker shall complete either the EA 2 or FC 2 as specified in Section ~~40-128~~. Each recipient shall either be given or mailed informational material required by SPSS at the time of redetermination.

For ~~AFDC-FC~~, the placement worker shall assess the recipient child's need for EHAS services and shall provide information to the foster care provider and/or as appropriate to the child's provision of EHAS information materials shall be documented in the service case record.

.2121 (Continued)

.2132 (Continued)

.2143 (Continued)

.2154 (Continued)

.2165 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

Amend Section 45-201 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

.7 A redetermination of all of the foster child's circumstances which are subject to change shall be completed once every six months.

.71 At the time of the six month redetermination, the parent or legal guardian shall complete the (4 2 (1/87) or, at county option, the FC 2 (2/82). If the parent or legal guardian is unavailable or uncooperative, the placement worker shall complete either the (4 2 (1/87) or FC 2 (2/82).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.



Amend Section 45-202.1 to read:

45-202

45-202 FEDERAL AFDC-FC PROGRAM

.1 Deprivation

.11 (Continued)

.12 For redetermination purposes as specified in Section 45-201.7, continuing deprivation shall be evaluated based upon the caretaker/relative's home from which the child was removed.

.121 Continuing deprivation is automatically met in those cases in which deprivation was originally based on the death of either parent, or in which the child has been relinquished following the initial determination of deprivation.

.122 If the whereabouts of the caretaker/relative cannot be determined by the CWD at the time of the redetermination, documentation in the case record shall demonstrate a good faith effort to locate the caretaker/relative and federal linkage continues.

.123 If the caretaker/relative refuses to cooperate, the CWD shall make a good faith effort to obtain required information. If this effort indicates a continued deprivation status or if no information to the contrary is found, federal linkage continues.

.124 A subsequent change in the child's circumstances shall not affect the initial deprivation determination.

HANDBOOK BEGINS HERE

For example, in a two-parent household, if the father returns to full-time employment, deprivation would no longer exist for the child in foster care for those months the father was employed full-time. However, if the father becomes unemployed again, then the child's status would change from ineligible to eligible and federal financial participation would be available for the foster care payment. (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554. Welfare and  
Institutions Code.

Reference: Section 10553. Welfare and Institutions Code.